

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROGER BUEHL, :
Plaintiff :
: **No. 10-CV-02288**
v. :
: **Judge Munley**
JON FISHER, *et al.*, :
Defendants : **Electronically Filed Document**

**DEFENDANTS' SECOND UNOPPOSED MOTION FOR EXTENSION OF
TIME**

Defendants hereby move for a second extension of time to file a brief in support of their motion to dismiss. This motion is unopposed. In support of this motion, defendants assert the following:

1. This action is brought by a prisoner in a Pennsylvania state correctional institution claiming prison officials and staff retaliated against him for conduct protected under the First Amendment, including submitting requests to staff, grievances, a Right to Know Act Appeal and a mandamus petition. The prisoner also claims of violations of due process.

2. After service of plaintiff's amended and supplemental complaint on the newly named defendants, the defendants filed a motion to dismiss. Pursuant to Local Rule 7.5, defendants brief was originally due on December 5, 2011.

3. Defendants sought and were granted an extension of time until December 19, 2011.

4. Defendants' counsel has been working on the brief and has completed a substantial portion of it.

5. Counsel had planned to complete the brief today after depositions in Monroe County in another case. Counsel had expected the depositions to be completed by early afternoon. The depositions went longer than expected and counsel did not return to Harrisburg until 7 PM, too late to complete the brief.

6. Accordingly, defendants seek a one-day extension of time to file the brief, or until December 20, 2011.

7. This short extension of time will not substantially delay this case nor will it prejudice the plaintiff. Plaintiff does not oppose the extension.

Respectfully submitted,

**LINDA L. KELLY
Attorney General**

By: *s/ Michael L. Harvey*
**MICHAEL L. HARVEY
Senior Deputy Attorney General**

**GREGORY R. NEUHAUSER
Chief Deputy Attorney General
Chief, Litigation Section**

**Office of Attorney General
Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17120
Phone: 717-783-6896 - Direct
Fax: 717-772-4526
Email: mharvey@attorneygeneral.gov
Date: December 19, 2011**

CERTIFICATE OF CONCURRENCE

I, Michael L. Harvey, Senior Deputy Attorney General, hereby certify that I sought concurrence in Defendants' Motion for Extension of Time to File Brief, and that it was granted.

s/ Michael L. Harvey
MICHAEL L. HARVEY
Senior Deputy Attorney General

Date: December 19, 2011

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CERTIFICATE OF SERVICE

I, Michael L. Harvey, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on December 19, 2011, I caused to be served a true and correct copy of the foregoing document titled Defendants' Second Unopposed Motion For Extension Of Time the following:

VIA ECF

**Jennifer J. Tobin
Pennsylvania Institutional Law Project
718 Arch Street
Suite 304 South
Philadelphia, PA 19106
jtobin@pailp.org
*Counsel for Plaintiff***

Michael L. Harvey
MICHAEL L. HARVEY
Senior Deputy Attorney General

Date: December 19, 2011